IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.404 OF 1994

M/s.Natvar Parikh & Co.Ltd. & Anr. ...Petitioners.
Vs.
State of Maharashtra & Anr. ...Respondents.
....
Mr. Shekhar Shetye i/b. H. Doctor & Co. for the Petitioners.
Ms. Geeta Shastri, AGP for the Respondents.
.....

CORAM : S.RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

November 25, 2004.

P.C.:

By this petition, the Petitioners are challenging the demand of increased land revenue raised by an order dated 19th August 1993 and also subsequent consequential notices dated 14th September 1993, 18th December 1993 and 13th January 1994.

The learned counsel appearing for the Petitioners further submits that earlier also such a demand was raised and no hearing was given to the Petitioners. Under these circumstances, the Petitioners approached this Court by filing Writ Petition No.2168 of 1983, wherein this Court, by an order dated 18th June 1993, had also directed the Respondents to give proper hearing to the

Petitioners before recovering the duty. The Court also directed the Respondents to hold fresh enquiry and after giving opportunity to the Petitioners, pass appropriate orders.

Unfortunately, it appears that Respondent No.2 has directly issued a notice on 19th August 1993 without any hearing whatsoever. Even we have perused the affidavits in reply filed on behalf of the Respondent-State of Maharashtra dated 15th February 1994 as well as 25th February 1994. Therein also it is clear that the Respondents have not afforded fair opportunity of hearing. The Respondents in their affidavit in reply dated 25th February 1994 have stated that if this Court comes to the conclusion that the petitioner to be given one more chance to furnish necessary documents and their say, in respect of increased land revenue, then they would once again abide by the order of the Court.

Apparently, the Respondents have not been able to show that a fair opportunity was given to the Petitioners before increasing the land revenue Under these circumstances, the Rule is made absolute in terms of prayer clauses (a) and (b).

The learned counsel appearing for the Petitioners states

that the Petitioners will appear before Respondent No.2, Tahsildar, Kurla, Competent Authority under the provisions of the Maharashtra Increase of Land Revenue and Special Assessment Act, 1974, on 27th December 2004, on which day, the Petitioners shall file their say in the above matter and Respondent No.2 shall fix the schedule of hearing and dispose of the same expeditiously, preferably on or before 31st March 2005, after affording a fair opportunity of hearing to the Petitioners.

(S.RADHAKRISHNAN, J.)

(DR.D.Y.CHANDRACHUD, J.)